



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.

COUNCIL MEETING

9/23/08

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

DATE: September 23, 2008

FROM: TERRY A. BOND, Personnel Services Director
Personnel Services Department

BY: KENNETH G. PHILLIPS, Labor Relations Manager
Labor Relations Division

- SUBJECT:
1. APPROVE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF FRESNO (CITY) AND THE CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (Management Non-Confidential and Non-Management Confidential, UNIT 13), PROVIDING COMPENSATION RESULTING FROM AN MOU REOPENER
 2. ADOPT THE SIXTH AMENDMENT TO THE SALARY RESOLUTION NO. 2008-165 AMENDING EXHIBIT 2, Section 2.4 – MANAGEMENT NON-CONFIDENTIAL CLASSES and Section 2.5 – NON-MANAGEMENT CONFIDENTIAL CLASSES (CFPEA) Unit 13.

KEY RESULT AREA

Financial Management, Employee Satisfaction

RECOMMENDATIONS

It is recommended that Council approve the attached Side Letter of Agreement between the City and the City of Fresno Professional Employees Association (CFPEA) (Management Non-Confidential and Non-Management Confidential Classes, Unit 13) and the Sixth Amendment to the Salary Resolution No. 2008-165.

EXECUTIVE SUMMARY

This action would resolve a limited reopener of the Memorandum of Understanding between the City and the City of Fresno Professional Employees Association (CFPEA) (Management Non-Confidential and Non-Management Confidential Classes, Unit 13) on compensation subject to actual growth of 6% or more in the City's Total General Fund Operating Revenue for FY08. The City concluded re-opener negotiations with Unit 13 for amendments and modifications to the current MOU, Article VIII Compensation and Benefits. CFPEA, Unit 13 ratified the attached Side Letter of Agreement. The Side Letter of Agreement has also been approved as to form by the City Attorney's Office, and an original signed copy filed with the City Clerk as part of this Agenda Item. The Side Letter Agreement supports the City's Key Result Areas of Employee Satisfaction and Financial Management.

KEY OBJECTIVE BALANCE

The recommended action achieves Financial Management by providing a reduction in salary increases during a period of reduced growth to the General Fund. It allows members of the Association to obtain a definitive salary increase in FY09 and allows the City an opportunity to recover from our economy's financial condition. It also provides for increased opportunities for alternative work schedules which increase employee satisfaction and may result in decreased travel.

BACKGROUND

SUBJECT 1

In July 2006, the City and the Association negotiated an MOU that included a salary increase of three percent (3%) in FY09 which was subject to at least 6% growth in Total General Fund Operating Revenues in FY08.

The Association and the City reached a tentative agreement on the limited reopener. The tentative agreement provides for:

- **Salaries** – Effective July 1, 2008, a 2% salary increase for all classes in this unit.
- **Work Schedule** - Provision for a 9/80 work schedule.

SUBJECT 2

The attached Sixth Amendment to the Salary Resolution No. 2008-165 will result in the following:

Amendment to Exhibit 2, Section 2.4 – Management Non-Confidential Classes and Section 2.5 – Non-Management Confidential Classes (CFPEA) Unit 13 to reflect adoption of the agreement between the City of Fresno and the Fresno of Fresno Professional Employees Association, Unit 13.

FISCAL IMPACT

The cost for a 2% salary increase for this unit amounts to \$448,220. Following is a breakdown by department with estimated costs:

Department	# of Ees	Cost
City Manager	1	1,365
City Attorney	16	21,865
Police Department	26	35,530
Fire Department	7	9,565
PARCS	33	45,095
Public Works	53	72,425
Redevelopment	1	1,365
Economic Development	1	1,365
Planning & Development	37	50,560
Public Utilities	56	76,525
Airports	9	12,300
Transportation	32	43,730
Information Services	12	16,400
Finance	16	21,865
General Services	15	20,500
Personnel Services	13	17,765
	328	448,220

September 17, 2008

Attachment: Side Letter Agreement between the City of Fresno and the City of Fresno Professional Employees - Unit 13.
Sixth Amendment to the Salary Resolution

AGREEMENT BETWEEN THE
CITY OF FRESNO
AND
THE CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION
(Unit 13)

COMPENSATION RE-OPENER

This agreement sets forth the full and entire understanding of the parties regarding Compensation for a salary re-opener for Fiscal Year 09. Any other previous understandings, side letters of agreement, Memorandum of Understanding (MOU) provisions, or agreements by the parties regarding the Compensation noted below are hereby superseded and terminated in their entirety. This agreement is self-governing and independent of any current or expired agreements between the parties, and is governed by the terms and conditions contained herein. This agreement shall be effective retroactive to July 1, 2008, and shall become part of the MOU which expires on June 30, 2009. Other than the modifications to the existing Memorandum of Understanding as set forth herein, the parties agree that until this Agreement terminates on June 30, 2009, all economic benefits currently afforded to members shall remain intact without modification, unless otherwise agreed in writing by the parties.

The parties agree to the following amendment/modification to the current MOU, Article VIII, Compensation and Benefits provision:

B. SALARIES

[§§ deleted]

- 1. Effective July 1, 2008, salaries for all classes in this unit shall be increased by two percent (2%) as reflected in Exhibit I.**

K. ALTERNATIVE WORKWEEK WORK SCHEDULES

It is expressly understood that the parties have concluded the meet and confer process on this * * * section, and as such, it is not subject to future meet and confer when department/divisions implement the alternative work schedules **in the** subsections below.

1. Department directors or designees shall be solely responsible for determining and designating divisions/units/sections/specific job classes within their respective departments that may implement variations to the standard/normal workweek work schedule. A minimum of 30 days written notice shall be provided to affected employees, * * * the Labor Relations Division **and the City of Fresno Professional Employees Association**

(CFPEA). An employee requesting consent to work an alternative workweek work schedule, must submit a written request with a minimum of 30 days notice to a Department Director or designee with a copy provided to the Labor Relations Division and CFPEA.

2. Subject to meet and consult pursuant to the provisions of **FMC Section 3-607** * * * prior to implementation of such changes, alternative workweek work schedules may be necessary in order to provide minimum staffing, and/or based upon the service needs of the public/other City departments, and/or other operational efficiency requirements. It is expressly understood that position assignments by classification, staffing levels, workweek work schedules, and days off are determined solely by management, and are subject to change based on, including but not limited to, varying workload, the addition of authorized staffing, and departmental operational and service need.
 - a. If established, employees shall select a 5/8, * * * 4/10 **or 9/80** workweek work schedule according to department/division selection processes. Absent sufficient selections, management will assign employees to a 5/8, * * * 4/10 **or 9/80** workweek work schedule, or combination thereof.
 - b. It is expressly understood that workweek work schedules are determined and established by departments/divisions based upon the service needs of the public/other City departments.
 - c. Except for emergencies, employees working a 4/10 **or 9/80** schedule or who have days off other than Saturday and Sunday, will make every effort to schedule all medically-based appointments on off duty time.
3. The hours for employees working a 5/8 will consist of five (5) eight (8) hour days with two (2) consecutive days off. The hours for employees working a 4/10 will consist of four (4) ten (10) hour days with three (3) days off, of which two (2) of the days will be consecutive. Scheduling of days off will be determined by management.

Each 9/80 work schedule will consist of eight 9-hour shifts, one 8-hour shift and one day off per 14-day period broken down into two 40-hour per week Fair Labor Standards Act (FLSA) work weeks. All employees working a 9/80 work schedule shall have an FLSA work week which begins four hours after the start time of the day of the week which constitutes the employee's alternating day off. This shall be an 8-hour shift. The work week shall end exactly 168 hours later.

Scheduling of days off is determined by management, but must be on a Monday or Friday.

4. Departments/divisions may discontinue alternative workweek work schedules at any time if it is determined by management that they detrimentally affect department/division operations and services. Thirty (30) days advance notice will be given in writing to affected employees, * * * the Labor Relations Division, **and CFPEA**. The decision to discontinue alternative workweek work schedules is not appealable or grievable. If departments/divisions discontinue alternative workweek work schedules established under this provision, employees will revert to 5/8 standard/normal workweek work schedules as determined by management.
5. Except as detailed directly below, applicable Association MOU provisions, Salary Resolution, FMC and AO sections concerning alternative workweek work schedules (i.e., 4/10 **or 9/80**) limitations on OT, holidays, leave accruals and usage, and night shift premium pay will govern.

Subsection a., below * * * shall apply only to the following Classifications as they are currently titled: **Industrial** Electrician Supervisor * * *; Supervising Identification Technician; Administrative Support Clerk; Human Resources Technician; Legal Assistant; Legal Secretary I; Legal Secretary II, and Senior Human Resources Technician.

- a. OT – Work in excess of **nine (9) hours on 9/80 work schedule or ten (10) hours on a 4/10 work schedule** in one (1) day, or on either or both of the first two (2) days off in a workweek shall be compensated at one and one-half (1 ½) times the base rate of pay.

Work on the third day off in a workweek, or on a holiday which is a regular day off shall be compensated at two (2) times the base rate of pay.

Nine (9) or Ten (10) hours work on a holiday which is a regular workday shall be compensated at normal base pay, plus eight (8) hours straight time/base pay for the holiday.

6. Holidays – Employees working a 4/10 **or 9/80** shall receive 12 holidays of eight hours, plus their birthday of eight (8) hours. Employees off on a holiday which falls on a regular workday shall receive eight (8) hours base pay for the holiday, and may elect to take **one (1) hour annual leave or administrative leave to provide for a full nine (9) hour day or two (2) hours annual leave or administrative leave** * * * to provide for a full ten

(10) hours pay, or may elect to receive **one (1) or two (2)** hours leave without pay.

7. Annual Leave – Employees working a **9/80** or a 4/10 shall accumulate the same number of hours of annual leave per month as under the 5/8 standard **workweek**.

FOR THE CITY OF FRESNO:

**FOR THE CITY OF FRESNO
PROFESSIONAL EMPLOYEES
ASSOCIATION:**

Ken Phillips
Labor Relations Manager

Lloyd Ramirez
Business Agent

Robert Mesel
President

Date _____

**APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE**

BY: *Tommy R. Aguilera*
Deputy City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO MAKING THE SIXTH AMENDMENT TO RESOLUTION NO. 2008-165 ENTITLED "A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES FOR FY09"

RESOLVED, by the Council of the City of Fresno, as follows:

SECTION 1.

Exhibit 2.0, Section 2.4, Management Non-Confidential Classes (CFPEA) and Section 2.5, Non-Management Confidential (CFPEA) are hereby amended to provide increases for respective classes in the said exhibits, as required by the Memorandum of Understanding between the City and City of Fresno Professional Employees Association (CFPEA), effective July 1, 2008.

SECTION 2.

Upon final legislative approval, this resolution shall become effective retroactively on July 1, 2008.

Resolution No.
6th Amendment to Salary Resolution
Page 2

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2008.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2008

Mayor Approval/No Return: _____, 2008

Mayor Veto: _____, 2008

Council Override Vote: _____, 2008

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: Tommy R. Saghatelyan
Deputy City Attorney

EXHIBIT 2
Section 2.4 – Management Non-Confidential Classes (CFPEA)

CLASS TITLE	JOB CODE	PROB PER	A	B	C	D	E
Acoustical Program Coordinator	310100e	12	5030	5277	5533	5806	6090
Airports Airside/Landside Superintendent	310018e	12	5191	5446	5714	5994	6288
Airports Projects Supervisor	310016e	12	5819	6105	6405	6719	7052
Airports Property Supervisor	175005e	12	5084	5334	5597	5872	6159
Architect	210045e	12	5267	5525	5797	6081	6380
Assistant Chief of Wastewater Treatment Operations	620079e	12	5361	5621	5897	6187	6490
Building Services Supervisor	810030e	12	4075	4275	4484	4705	4933
Call Center Supervisor	115073e	12	3831	4017	4212	4415	4632
Central Printing Supervisor	120007e	12	3868	4057	4255	4461	4679
Chief Engineering Inspector	230078e	12	5377	5641	5918	6209	6513
Chief Engineering Technician	210009e	12	6297	6606	6932	7274	7633
Chief of Facilities Maintenance	810037e	12	5848	6137	6438	6754	7086
Chief of Solid Waste Operations	640035e	12	5597	5872	6159	6462	6780
Chief of Wastewater Environmental Services	620075e	12	5597	5872	6159	6462	6780
Chief of Wastewater Facilities Maintenance	620085e	12	5848	6137	6438	6754	7086
Chief of Wastewater Treatment Operations	620080e	12	5914	6208	6512	6832	7168
Chief of Water Operations	610070e	12	6009	6304	6617	6942	7282
Chief Surveyor	210032e	12	5455	5725	6005	6298	6609
Collection System Maintenance Supervisor	630005e	12	4691	4921	5162	5416	5682
Community Recreation Supervisor I	520015e	12	4075	4275	4484	4705	4933
Community Recreation Supervisor II	520016e	12	4471	4691	4922	5165	5416
Community Sanitation Supervisor I	720042e	12	4942	5183	5439	5705	5986
Contract Compliance Officer	150061e	12	4162	4364	4578	4804	5036
Custodial Supervisor	810025e	12	3417	3584	3758	3942	4131
DBE/Small Business Coordinator	150070e	12	4806	5039	5287	5546	5820
Emergency Preparedness Officer	420020e	12	3915	4107	4307	4518	4738
Emergency Services Communications Supervisor	410004e	12	4388	4601	4825	5062	5310
Equipment Supervisor	720031e	12	5327	5586	5860	6149	6451

*07/01/08 Sixth Council Amendment
Supersedes Original*

EXHIBIT 2
Section 2.4 – Management Non-Confidential Classes (CFPEA)

CLASS TITLE	JOB CODE	PROB PER	A	B	C	D	E
Facilities Maintenance Supervisor	810035e	12	4136	4337	4548	4771	5004
Fire Prevention Engineer	210055e	12	5819	6105	6405	6719	7052
Fleet Administration Supervisor	720025e	12	5165	5416	5682	5961	6254
Forestry Supervisor II	510031e	12	4471	4691	4922	5165	5416
Housing Program Supervisor	230055e	12	5113	5366	5628	5904	6194
Human Resources Records Supervisor	115050e	12	4180	4385	4599	4823	5060
Industrial Electrician Supervisor	720020e	12	5588	5868	6161	6469	6794
Information Services Supervisor	125032e	12	6030	6326	6635	6962	7308
Laboratory Supervisor	620014e	12	4864	5102	5352	5615	5892
Outreach Coordinator	520040e	12	4128	4329	4542	4766	4996
Parking Supervisor	720035e	12	3003	3147	3299	3459	3628
Parks Supervisor I	510025e	12	4075	4275	4484	4705	4933
Parks Supervisor II	510026e	12	4471	4691	4922	5165	5416
Planner III	220007e	12	4792	5028	5273	5533	5804
Power Generation System Supervisor	620056e	12	5327	5586	5860	6149	6451
Principal Accountant	130014e	12	5314	5575	5850	6137	6438
Professional Engineer	210100e	12	5819	6105	6405	6719	7052
Project Manager	150065e	12	5385	5651	5930	6219	6525
Real Estate Finance Supervisor	170004e	12	4928	5171	5424	5690	5970
Records Supervisor	115045e	12	4180	4385	4599	4823	5060
Recycling Coordinator	640001e	12	4065	4263	4470	4688	4918
Redevelopment Project Planner	220050e	12	4291	4501	4720	4953	5193
Revenue Supervisor	135025e	12	3831	4017	4212	4415	4632
Senior Accountant-Auditor	130013e	12	4410	4626	4853	5092	5339
Senior Building Inspector	230034e	12	4895	5136	5387	5652	5931
Senior Electrical Safety Consultant	230024e	12	4895	5136	5387	5652	5931
Senior Engineering Inspector	230077e	12	4895	5136	5387	5652	5931
Senior Environmental & Safety Consultant	230005e	12	4895	5136	5387	5652	5931
Senior Plumbing & Mechanical Consultant	230014e	12	4895	5136	5387	5652	5931

*07/01/08 Sixth Council Amendment
Supersedes Original*

EXHIBIT 2
Section 2.4 – Management Non-Confidential Classes (CFPEA)

CLASS TITLE	JOB CODE	PROB PER	A	B	C	D	E
Senior Real Estate Agent	170012e	12	5237	5493	5763	6047	6344
Solid Waste System Supervisor	640030e	12	4913	5154	5403	5670	5947
Street Maintenance Superintendent	720004e	12	6115	6420	6743	7080	7435
Street Maintenance Supervisor	720001e	12	5643	5921	6211	6516	6837
Supervising Buyer	140004e	12	4681	4911	5148	5402	5666
Supervising Engineering Technician	210008e	12	5544	5819	6105	6405	6719
Supervising Environmental Control Officer	620005e	12	4864	5102	5352	5615	5891
Supervising Fire Prevention Inspector	420005e	12	5125	5375	5642	5919	6210
Supervising Identification Technician	410013	12	4286	4496	4714	4946	5187
Supervising Planner	220008e	12	5264	5522	5792	6076	6373
Supervising Plans Examiner	210044e	12	5385	5651	5930	6219	6525
Supervising Professional Engineer	210110e	12	6606	6932	7274	7633	8011
Supervising Real Estate Agent	170013e	12	5751	6034	6330	6641	6968
Survey Party Chief	210031e	12	4400	4614	4841	5076	5328
Transit Supervisor I	320050e	12	4913	5154	5403	5670	5947
Transit Supervisor II	320051e	12	5327	5586	5860	6149	6451
Treasury Officer	135015e	12	5314	5575	5850	6137	6438
Wastewater Treatment Maintenance Supervisor	620070e	12	5473	5741	6023	6320	6630
Water Conservation Supervisor	610045e	12	5473	5741	6023	6320	6630
Water System Supervisor	610055e	12	5473	5741	6023	6320	6630

*07/01/08 Sixth Council Amendment
Supersedes Original*

EXHIBIT 2
Section 2.5 -- Non-Management Confidential Classes (CFPEA)

CLASS TITLE	JOB CODE	PROB PER	A	B	C	D	E
Administrative Support Clerk	115005	12	2848	2986	3131	3282	3443
Claims Specialist	150005e	12	2903	3046	3194	3347	3512
Criminalist Specialist	410017	12	6182	6491	6815	7156	7513
Database Administrator	125045e	12	5574	5844	6132	6432	6748
Human Resources Analyst	150016e	12	3915	4107	4307	4518	4738
Human Resources Technician	150015	12	2891	3030	3178	3331	3492
Legal Assistant	160001	12	3487	3656	3833	4021	4218
Legal Secretary I	115015	12	2878	3016	3161	3313	3475
Legal Secretary II	115016	12	3181	3336	3496	3665	3844
Management Analyst I	150020e ⁴	12 ⁴	3193	3349	3511	3683	3864
Management Analyst II	150021e ⁴	12 ⁴	3915	4107	4307	4518	4738
Risk Analyst	150010e	12	4303	4513	4733	4965	5209
Senior Database Administrator	125046e	12	5562	5833	6119	6420	6737
Senior Human Resources Technician	150014	12	3180	3333	3492	3662	3841
Systems Security Administrator	125050e	12	5055	5300	5562	5833	6119

07/01/08 Sixth Council Amendment
Supersedes Original